

REMARKS

By this Amendment, Applicants have amended claims 1, 12, 14, 16, 17, 19, 30, 32, 34, 35, 37, 48, 50, 52, and 53. Support for the amendments may be found in the specification at, for example, p. 10, ll. 16-17, among other places. Upon entering this Amendment, claims 1-8, 10-12, 14-26, 28-30, 32-44, 46-48, and 50-58 remain pending and under current examination.

In the Office Action mailed January 6, 2009, the Examiner rejected claims 1-8, 10-12, 14-26, 28-30, 32-44, 46-48, and 50-58 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,850,442 ("*Muftic*").

Applicants respectfully traverse the rejection, and respond as follows.

Examiner Interview:

Applicants and their representative thank Examiner Thu Thao Havan for her time and courtesy in granting an interview on June 3, 2009.

During the interview, independent claim 1 was discussed with respect to the *Muftic* reference. Applicants' representative explained various ways that the present claim distinguish over the cited reference. Applicants' representative and the Examiner also discussed potential proposed amendments to further distinguish over the cited references. The substance of the interview is incorporated in this response.

Rejection under 35 U.S.C. § 102(e):

Applicants respectfully traverse the rejection of claims 1-8, 10-12, 14-26, 28-30, 32-44, 46-48, and 50-58 under 35 U.S.C. § 102(e) as being anticipated by *Muftic*.

In order to establish anticipation under 35 U.S.C. § 102, the Examiner must show that each and every element as set forth in the claim is found, either expressly or

inherently described, in *Muftic*. See M.P.E.P. § 2131. *Muftic*, however, does not disclose each and every element of Applicants' claims.

Specifically, *Muftic* does not disclose or suggest at least Applicants' claimed "providing a solicitation to a set of users sharing pre-selected characteristics, incorporating in the solicitation at least an offer code and a universal resource locator (URL) corresponding to a web site," as recited in independent claim 1 (emphases added).

The Office Action alleged that Fig. 2 of *Muftic* discloses the above feature. See Office Action, p. 3. Applicants respectfully disagree and point out that the Office Action mischaracterized *Muftic*. Fig. 2 of *Muftic* "is a depiction of a typical software architecture for a world wide web server." *Muftic*, col. 9, ll. 56-57, See also col. 8, ll. 13-14. *Muftic* further discloses several levels of the architecture including an operating system, communication software, an application programming interface, world wide web server software, and application software. See *Muftic*, col. 9, l. 56 to col. 10, l. 15 and Fig. 2. However, *Muftic* does not disclose anything about "a solicitation to a set of users sharing pre-selected characteristics, incorporating in the solicitation at least an offer code and a universal resource locator (URL) corresponding to a web site," as recited in claim 1 (emphases added).

In addition, *Muftic* does not disclose Applicants' claimed "modifying one or more financial terms of the offer based on the collected information and the response," as recited in claim 1 (emphasis added).

The Office Action alleged that col. 12, ll. 29-34 of *Muftic* discloses the above feature. Applicants respectfully disagree. The description in col. 12, ll. 29-34 of *Muftic*

only discloses that an applicant may modify a CERTIFICATE_SIGNATURE_REQUEST if a previous request is rejected. See *Muftic*, col. 12, ll. 11-37 and Fig. 6, elements 635 and 645, The CERTIFICATE_SIGNATURE_REQUEST is a software message for implementing secure, encrypted communications in *Muftic*'s world wide electronic commerce system (see *Muftic*, col. 12, ll. 5-37; col. 1, ll. 18-22), and it is not a "financial term," as recited in Applicants' claim 1.

Moreover, *Muftic* does not disclose Applicants' claimed "providing, via the accessed website, an offer for a service to at least one of the set of users, wherein the provided offer for a service corresponds to the received offer code," as recited in amended claim 1 (emphasis added), among other things.

In contrast, *Muftic* disclose "a process of conducting a cash tender offer over an electronic network." *Muftic*, col. 19, ll. 26-27 and Fig. 26. That is, *Muftic*'s offer is an offer to tender shares. See *Muftic*, col. 19, ll. 27-35. This is clearly different from Applicants' claimed "offer for services," as recited in amended claim 1.

Since *Muftic* does not disclose each and every element of any of independent claim 1, *Muftic* does not anticipate Applicants' independent claim 1 under 35 U.S.C. § 102(e). Therefore, independent claim 1 is allowable over *Muftic*. Independent claims 12, 16, 19, 30, 34, 37, 48, and 52, while of different scope, contain similar recitations as independent claim 1, and are also allowable for the same reasons as independent claim 1. In addition, dependent claims 2-8, 10, 11, 14, 15, 17, 18, 20-26, 28, 29, 32, 33, 35, 36, 38-44, 46, 47, 50, 51, and 53-58 are allowable at least by virtue of their respective dependence from independent claims 1, 12, 16, 19, 30, 34, 37, 48, or 52, as well as by virtue of reciting additional features not disclosed nor suggested by the cited reference.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection.

Conclusion:

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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